UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Alejandro CHAVEZ-Briseno,

Defendant

Magistrate Docket No. '08 MJ 1113

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **April 9, 2008** within the Southern District of California, defendant, **Alejandro CHAVEZ-Briseno,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **11th** DAY OF **APRIL, 2008.**

Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Alejandro CHAVEZ-Briseno

GJ

PROBABLE CAUSE STATEMENT

On Wednesday, April 09, 2008 at approximately 8:30 p.m. Border Patrol Agent L. Barragan was conducting assigned duties near the Tecate, California Port Of Entry. A National Guard scope operator, directed Agent Barragan to an area where three suspected illegal entrants had been hiding. This area is approximately one quarter of a mile east of the Tecate Port of Entry and approximately 300 yards north of the United States/Mexico Border.

Upon arriving in the area, Agent Barragan encountered the three individuals hiding in the brush. Agent Barragan identified himself as a United States Border Patrol Agent and questioned the individuals regarding their citizenship. All three individuals, including one identified as the defendant **Alejandro CHAVEZ-Briseno**, admitted to being in the country illegally and not in possession of the proper immigration documents allowing him to remain in the country. All three were placed under arrest and transported to the Tecate Processing Center.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **June 28, 2005** through **Brownsville, Texas.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights. The defendant stated that he understood his rights and was willing to speak without a lawyer present. The defendant also stated that he is a citizen and national of Mexico illegally present in the United States without proper immigration documents allowing him to enter or remain in the United States legally. He stated his intended destination was Oceanside, California.